

Testimony of Election Commissioner Connie Schmidt
Johnson County, Kansas
May 10, 2001
Committee on House Administration
Election Reform Hearing

Chairman Ney, distinguished members of the Committee, thank you for the opportunity to appear before you to discuss election reform issues. My name is Connie Schmidt, and I serve as the Election Commissioner of Johnson County, Kansas, which is located in the Greater Kansas City Metropolitan Area. Johnson County has over 315,000 registered voters (the largest number of registered voters per county in the State), 386 voting precincts, and employs approximately 1,600 election workers.

We have a history of growth in population and leadership in voting systems. In 1987, our county was one of the first in the country to purchase direct-record electronic voting equipment. Today, population growth, advances in voting technology, and changes in state laws affecting elections have brought the county to another decision on the purchase of touch screen voting computers.

Our county, like others throughout the country, is not immune to voting "disasters". The high voter turnout of the 1992 Presidential Election created long lines at polling places throughout the country. Johnson County experienced a 27% increase in voter registration in the 3-month period prior to that election. That translated to extremely long lines at the polls in November 1992, with a record 89% voter turnout. Many of our voters waited in line for three hours or more to cast their votes.

The Secretary of State's Office and the State Legislature recognized the importance of making voting convenient and accessible and in 1995 approved an Advance/Early Voting law, which provides for "no-excuse" voting, in person or by mail. Advance voting is extremely popular in Johnson County! As a suburb of the Greater Kansas City Metropolitan Area, our voters tend to vote early in the morning or late in the evening, on the way to and from work. In the November 1996 Presidential election, our first major election with advance voting, 71,000 voters cast their ballots early, representing 34% of total votes cast. This number increased to 79,000 and 36% in the November 2000 Election. During both of these presidential elections, our county had minimal lines at the precinct voting locations on Election Day, and most importantly, the voters were pleased that they had the option of casting their ballots at their convenience.

Kansas's law also provides for provisional ballots to be cast by voters – no voter is turned away. Every provisional ballot is researched individually between Election Day and the canvass of the election, with a recommendation to count or not count based on state law.

As a member of The Election Center's Election Reform Task Force, I have had the privilege of participating with my colleagues in an honest evaluation of the election process, including how well we do our jobs. I must tell you that election administrators are the most dedicated and committed group of individuals you will ever meet. We are perfectionists and control freaks and we are proud of it! We are the gatekeepers of democracy and we

are committed to excellence, the highest level of integrity, and most importantly to open and impartial elections. We take great pride in the public's confidence and trust in our ability to do our jobs, and we are deeply saddened that the aftermath of the November 2000 Election has eroded some of that trust. We can rebuild voter confidence and we believe that it has to start at the grassroots level.

To local government, elections are an unfunded mandate. This means that election administrators are vying for funding against libraries, roads and bridges, meals on wheels, and park and recreation activities – all items that impact residents on a daily basis. Elections are at the bottom of the funding list because they are perceived as only a once or twice a year activity. Any effort to replace aging voting equipment is a very hard sell. To say that we all need additional dollars is a given, but to say that we all need the same type of voting equipment is not. For example, Kansas has 21 counties that vote on hand-counted paper ballots, 81 counties that vote on optical scan paper ballots, and three counties that cast their ballots on electronic voting machines. This diversity in Kansas exists throughout the entire country – what works for one county doesn't necessarily work for all.

The reality is that there are flaws in the system, and the media magnified them during the November 2000 Election.

- If we, as election administrators, could live in a perfect world, the voter registration records would be accurate, complete and always up to date, but the reality is that the voter registration files are inflated due to mandatory compliance with the NVRA.
- In the perfect world, there would be an abundance of accessible voting locations, but the reality is that it is difficult to find voting locations and it is often not possible to find accessible locations in every precinct.
- In the perfect world, elections would be easy to program and the voting equipment would always work, but the reality is that elections are complicated and machines break down.
- In the perfect world, there would be an abundant pool of trained election workers to choose from for every Election Day, but the reality is that approximately 98% of election workers are senior citizens, and the pool is not being replenished.
- In the perfect world, budget dollars would be available to educate the voters, purchase new voting equipment and increase election worker salaries, but the reality, again, is that elections are an unfunded mandate.
- In the perfect world, the voters would research candidates and issues prior to Election Day and everyone would "celebrate democracy" by casting a vote, but the reality is that voter participation is declining, especially among 18- to 24-year olds.

- In the perfect world, election administrators would have access to an election resource library of best practices, but the reality is that it does not exist and will require federal funding.
- In the perfect world, election administrators would receive mandatory federally-funded training on federal and state election procedures, but the reality is that while the Election Center has an excellent certification program, many election administrators cannot afford to attend.
- In the perfect world, there would be uniform voluntary voting system standards and operating procedures maintained by election administrators at the state and local level, but the reality is that the OEA of the FEC is seriously under funded. Voting system standards are not up to date, operational standards do not exist, and there is no clearinghouse for reporting problems with voting systems.
- In the perfect world, there would be clear rules to determine voter intent within each state, but the reality is that voter intent standards don't exist in all states.

With federal funding, it is possible to address many of these issues. We must join together collectively – at the local, state, and federal level – to share resources and to find creative and innovative solutions.

As an example, in Johnson County we organized an Adopt A Polling Place Program which recruits civic and community organization volunteers to work as election workers, donating their earnings back to their organization; we joined with other area election administrators in a bi-state effort to establish a program to partner with corporate/business owners to provide a civic duty paid holiday to their employees for working on Election Day; and just last year changes in state law enabled 16- and 17-year olds to work at the polls on Election Day, providing them an opportunity to experience democracy hands-on. Since 1998, a total of 506 election workers have been recruited through these programs.

In late 1999, in response to a lack of funding for voter outreach activities, our office recruited citizen leaders, including high school and college students, to create a non-partisan, non-profit Promote the Vote Foundation. In Election 2000, over 13,000 students participated in programs sponsored by the Foundation. Many similar programs are ongoing in other communities, all focused on increasing voter education and participation.

We are asking for federal funding for voting equipment and centralized voter registration software; for election administrator certification training programs; and for sufficient funding of the Office of Election Administration to develop and maintain uniform voluntary voting system standards, operating procedures, and election best practices.

As election administrators we believe that nurturing and protecting democracy is a team effort...a community-wide, state-wide, and nation-wide team effort. We ask that you join with us as we work to improve the administration of elections in America and to rebuild voter confidence.